

**STATE AFFAIRS COMMITTEE**  
**ADMINISTRATIVE RULES REVIEW**  
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## Senate State Affairs Committee

### IDAPA 03 - STATE ATHLETIC COMMISSION

#### 03.01.01 - RULES GOVERNING THE STATE ATHLETIC COMMISSION

DOCKET NO. 03-0101-0401

#### NOTICE OF RULEMAKING - PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-406, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

**The pending rule is being adopted as proposed with no changes. The complete text of the proposed rule was published in the August 4, 2004 Idaho Administrative Bulletin, Volume 04-8, pages 21 and 22.**

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tom Katsilometes, Commissioner, at (208) 221-6534.

DATED this 25th day of August, 2004.

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#### *The Following Notice Was Published With The Temporary And Proposed Rule*

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2004.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-406, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 18, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

## Senate State Affairs Committee

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**STATE ATHLETIC COMMISSION**  
**Rules Governing the State Athletic Commission****Docket No. 03-0101-0401**  
**PENDING RULE**

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**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of the supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amendments of the Athletic Commission's statutes by the 2004 Legislature limit unsupervised fighting contests and exhibitions in an effort to protect public health, safety, and welfare. In order to preclude unsupervised fighting contests and exhibitions, all martial arts were included within the definition of boxing. As a result of the new legislation, all activities conducted by martial arts schools located in Idaho will be regulated unless exempted by the Commission. This rule is necessary to ensure that as of July 1, 2004, martial arts schools and martial arts students are able to continue their activities without regulation by the Commission in those areas where public health, safety, and welfare has not historically been subject to abuse or concern. This rule clarifies which martial arts activities are to be regulated (exhibitions and contests which involve combative contact between the contestants and participants) and which martial arts activities are to be deemed exempt from regulation (practices, belt promotion testing and non-combative demonstrations).

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Adoption of the rule as a temporary rule with immediate effect is necessary for compliance with deadlines in amendments to governing law.

**FEE SUMMARY:** No fee is being imposed or increased by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rule needs to be effective July 1, 2004 to comply with the effective date of amendments made to Title 54, Chapter 4, Idaho Code, by the 2004 Legislature.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Tom Katsilometes, Commissioner, at (208) 221-6534.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 25, 2004.

DATED this 25th day of June 2004.

Tom Katsilometes  
Commissioner  
Idaho State Athletic Commission  
C/O Mutual Insurance Associates, Inc.  
1575 Baldy Ave.  
Pocatello, ID 83201  
Phone: (208) 221-6534  
Fax: (208) 237-9697

## Senate State Affairs Committee

**STATE ATHLETIC COMMISSION**  
**Rules Governing the State Athletic Commission**

**Docket No. 03-0101-0401**  
**PENDING RULE**

### THE FOLLOWING IS THE TEXT OF THE PENDING RULE

#### 732. MARTIAL ARTS ~~INVOLVING FULL CONTACT.~~

**01. ~~Full Contact.~~** ~~All full-contact martial arts are forms of boxing.~~ **Martial Arts Regulated as Boxing.** Martial arts exhibitions and contests involving combative contact between contestants or between participants, such as body-to-body blows, holds, kicks, or throws, and full-contact martial arts exhibitions and contests, are subject to and must comply with all provisions of Title 54, Chapter 4, Idaho Code, relating to boxing, and all commission rules relating to boxing, except to the extent specifically exempted by statute or rule. (3-3-94)(7-1-04)T

**02. ~~Applicable Provisions.~~** ~~The provisions pertaining to licenses, fees, dates of programs and disciplinary action in the laws and rules on boxing apply to exhibitions of such martial arts.~~ **Practices, Belt Promotions, and Non-Contact Demonstrations.** Martial arts practices, belt promotion testing and demonstrations (as used herein the term demonstrations means exhibitions that do not involve combative contact between contestants or between participants) conducted by martial arts schools are not considered to be boxing and are exempt from the licensing requirements of Title 54, Chapter 4, Idaho Code. (3-3-94)(7-1-04)T

**03. Licensing Exemption.** Martial arts schools that meet the conditions set forth within Section 54-406(2)(b), Idaho Code, may apply to the commission for exemption from licensing and sanctioning permit requirements relating to exhibitions and contests. (7-1-04)T

**034. Use of Official Rules for Art.** A Martial arts contests ~~or~~ and exhibitions ~~of such martial art~~ must be conducted pursuant to the official rules ~~for~~ of the particular art. The sponsoring organization or promoter must file a copy of the official rules with the commission before ~~it~~ the commission will ~~approve~~ issue a sanctioning permit for the contest ~~of~~ or exhibition. (3-3-94)(7-1-04)T

**05. Boxing Gloves.** The requirement set forth in Section 54-414, Idaho Code, of wearing boxing gloves applies to kickboxing but shall not apply to any other form of martial art unless the use of boxing gloves is required by the official rules of that particular art. (7-1-04)T

**06. Other Requirements and Limitations.** Except to the extent set forth in Rule 732, all requirements and the limitations relating to boxing (as set forth within Title 54, Chapter 4, Idaho Code, and in the remaining rules of the commission) shall apply to all martial arts contests and exhibitions. Notwithstanding the foregoing, at its sole discretion, the commission may (by specific reference in the sanctioning permit) allow the use of other requirements and limitations during a particular martial arts contest or exhibition. (7-1-04)T

## Senate State Affairs Committee

### IDAPA 31 - PUBLIC UTILITIES COMMISSION

#### 31.11.01 - SAFETY AND ACCIDENT REPORTING RULES FOR UTILITIES REGULATED BY IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-1101-0401

#### NOTICE OF RULEMAKING - PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and now is pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 61-515, Idaho Code, and 49 C.F.R. Section 192.95.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

**The pending rule is being adopted as proposed. No public comments were received in response to the proposed rule. The complete text of the proposed rule was published in the October 6, 2004, Idaho Administrative Bulletin, Vol. 04-10, pages 471 and 472.**

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Ron Law, Executive Administrator, at (208) 334-0330.

DATED this 15th day of November, 2004.

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#### *The Following Notice Was Published With The Proposed Rule*

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given of the Idaho Public Utilities Commission's proposed rulemaking. The action is authorized pursuant to Sections 61-515, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be scheduled only if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the Commission's address set out below.

## Senate State Affairs Committee

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**PUBLIC UTILITIES COMMISSION**  
**Safety and Accident Reporting Rules for Utilities**

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**Docket No. 31-1101-0401**  
**PENDING RULE**

**DESCRIPTIVE SUMMARY:** The following is a non-technical explanation of the substance and purpose of the proposed rule:

The Commission's Safety and Accident Reporting Rules currently adopt by reference several national safety codes. In particular, Rule 201 adopts the federal safety regulations applicable to natural gas utilities and pipelines. In December 2003, the U.S. Office of Pipeline Safety (OPS) amended its safety regulations concerning the operation of pipelines. New OPS safety regulations require pipeline operators to develop integrity management programs (IMPs) for gas transmission pipelines at locations where a pipeline leak or rupture could cause potential harm to the public. IMPs are required for those locations commonly referred to as "high consequence areas". Under the new federal regulations found at 49 C.F.R. Section 192.95, pipeline operators must perform ongoing assessments of pipeline integrity, implement preventative and mitigated actions, and repair and remediate pipelines (as necessary). The federal regulations improve data collection, data analysis, and also set a timeline for performing IMPs. Pipeline operators must periodically assess their IMPs and report semi-annually to the OPS. The Commission proposes to adopt these amended federal safety regulations.

**FEE SUMMARY:** There are no fees associated with this proposed rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because these proposed rules adopt national federal safety regulations dealing with pipeline safety.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Ron Law, Executive Administrator, at (208) 334-0330.

Anyone may submit written comments regarding these proposed rules. All written comments concerning the proposed rules must be delivered to the Commission Secretary at the address identified below or be postmarked on or before October 27, 2004.

DATED at Boise, Idaho this 29th day of July, 2004.

Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission    Street address for express delivery:  
PO Box 83720  
Boise, ID 83720-0074                      472 W Washington  
Telephone: (208) 334-0338                Boise, ID 83702-5983  
Facsimile: (208) 334-3762

**THE FOLLOWING IS THE TEXT OF THE PENDING RULE**

## Senate State Affairs Committee

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**PUBLIC UTILITIES COMMISSION**  
**Safety and Accident Reporting Rules for Utilities**

**Docket No. 31-1101-0401**  
**PENDING RULE**

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**RULES 201 THROUGH 300 - TRANSPORTATION OF NATURAL GAS  
BY PIPELINES -- LIQUEFIED NATURAL GAS FACILITIES --  
TRANSPORTATION OF HAZARDOUS LIQUIDS  
BY PIPELINE -- ~~NATIONAL~~ INTERNATIONAL FUEL GAS CODE --  
~~UNIFORM~~ INTERNATIONAL MECHANICAL CODE**

**201. FEDERAL REGULATIONS--49 C.F.R. PARTS 191, 192, 193, 195 AND 199 (RULE 201).**

The Commission adopts by reference Parts 191, 192, 193, 195, and 199, Title 49, the Code of Federal Regulations (October 1, 2002<sup>24</sup>), except that federal accident reporting requirements contained in the rules adopted by reference in Rule 201 are replaced for state reporting purposes by orders of the Commission or rules of the Commission. These regulations are found in the Code of Federal Regulations, available from the, U.S. Government Printing Office, Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954. The incorporated CFR Parts are also available in electronic format at [www.access.gpo.gov/nara](http://www.access.gpo.gov/nara). All gas and pipeline corporations subject to the Commission's jurisdiction are required to abide by applicable provisions of these federal regulations adopted by reference. (5-3-03)(\_\_\_\_)

## Senate State Affairs Committee

### IDAPA 31 - PUBLIC UTILITIES COMMISSION

#### 31.21.01 - CUSTOMER RELATIONS RULES FOR GAS, ELECTRIC AND WATER PUBLIC UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION (THE UTILITY CUSTOMER RELATIONS RULES)

DOCKET NO. 31-2101-0401

#### NOTICE OF RULEMAKING - PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-4291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the dates specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 61-507, 61-515, and 14-508, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise and explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

**The pending rule is being adopted as proposed. No public comments were received in response to the proposed rule. The complete text of the proposed rule was published in the October 6, 2004, Idaho Administrative Bulletin, Vol. 04-10, pages 473 and 474.**

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Beverly Barker at (208) 334-0302.

DATED this 15th day of November, 2004.

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#### *The Following Notice Was Published With The Proposed Rule*

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Commission has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 61-507, 61-515, and 14-508, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.



## Senate State Affairs Committee

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**PUBLIC UTILITIES COMMISSION**  
**Utility Customer Relations Rules**

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**Docket No. 31-2101-0401**  
**PENDING RULE**

**DESCRIPTIVE SUMMARY:** The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

The Commission is proposing to amend Rule 108 and to promulgate a new Rule 110. The proposed changes concern instances where customers have made deposits or advance payments to obtain utility service. The change to Rule 108 would allow a public utility to transfer a customer deposit to a new account or apply it to the account balance owing on an existing account. New Rule 110 implements Section 14-508, Idaho Code, that states any deposit or advance payment made to obtain utility service that is unclaimed for more than one (1) year after termination of service is presumed to be abandoned property. Rule 110 would allow a public utility to forward abandoned deposits or advanced payment to a financial assistance program certified by the Commission. In accordance with Section 14-508, Idaho Code, a “financial assistance program” is an entity which assists the utility’s low-income and disadvantaged customers with payment of utility bills.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: There are no fees associated with this proposed rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the change to Rule 108 is minor and Rule 110 merely adopts Section 14-508, Idaho Code.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Beverly Barker at (208) 334-0302.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 6th day of August 2004.

Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission    Street address for express delivery:  
PO Box 83720  
Boise, ID 83720-0074                      472 W Washington  
Telephone: (208) 334-0338                Boise, ID 83702-5983  
Facsimile: (208) 334-3762

**THE FOLLOWING IS THE TEXT OF THE PENDING RULE**

## Senate State Affairs Committee

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**PUBLIC UTILITIES COMMISSION**  
**Utility Customer Relations Rules**

**Docket No. 31-2101-0401**  
**PENDING RULE**

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**RULES 100 TO 199 - DEPOSIT ~~AND GUARANTEE~~ PRACTICES FOR RESIDENTIAL  
AND SMALL COMMERCIAL CUSTOMERS**

**(BREAK IN CONTINUITY OF SECTIONS)**

**108. TRANSFER OF DEPOSIT (RULE 108).**

Deposits shall not be transferred from one customer to another customer or between classes of service, except at the customer's request. When a customer with a deposit on file transfers service to a new location within the same utility's service area, the deposit ~~and any outstanding balance~~ (with accrued interest) shall be either transferred to the account for the new location or credited to the customer's current account. (7-1-93)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**110. UNCLAIMED DEPOSITS AND ADVANCE PAYMENTS (RULE 110).**

**01. Presumption of Abandonment.** Pursuant to Section 14-508, Idaho Code, any deposit or advance payment made to obtain or maintain utility service that is unclaimed by the owner for more than one (1) year after termination of service is presumed abandoned. ( )

**02. Financial Assistance Program.** A utility may apply to the Commission for approval to pay unclaimed deposits and advance payments presumed to be abandoned to a financial assistance program which assists the utility's low income and disadvantaged customers with payment of utility bills. The utility shall remain obligated to file its report of such abandoned property as required by Section 14-517, Idaho Code, and retain records as required by Section 14-531, Idaho Code. ( )

**1101. -- 199. (RESERVED).**

## Senate State Affairs Committee

### IDAPA 31 - PUBLIC UTILITIES COMMISSION

#### 31.41.01 - CUSTOMER RELATIONS RULES FOR TELEPHONE CORPORATIONS PROVIDING LOCAL EXCHANGE OR INTRASTATE MTS/WATS SERVICE IN IDAHO SUBJECT TO CUSTOMER SERVICE REGULATION BY THE IDAHO PUBLIC UTILITIES COMMISSION UNDER THE PUBLIC UTILITIES LAW OR THE TELECOMMUNICATIONS ACT OF 1988 (THE TELEPHONE CUSTOMER RELATIONS RULES)

DOCKET NO. 31-4101-0401

#### NOTICE OF RULEMAKING - PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and now is pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 61-507, 62-615(3), 62-622(5), Idaho Code, and 47 C.F.R. Section 64.1120.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change: The pending rule is being adopted as proposed. No public comments were received in response to the proposed rule. The proposed rule was published in the October 6, 2004, Idaho Administrative Bulletin, Vol. 04-10, pages 477 through 479.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Beverly Barker at (208) 334-0302.

DATED this 15th day of November, 2004.

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#### *The Following Notice Was Published With The Proposed Rule*

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 61-507, 62-615(3), 62-622(5), Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

## Senate State Affairs Committee

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**PUBLIC UTILITIES COMMISSION**  
**Telephone Customer Relations Rules****Docket No. 31-4101-0401**  
**PENDING RULE**

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The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a non-technical explanation of the substance and purpose of the proposed rulemaking: The Commission is proposing several changes to its Telephone Customer Relations Rules that address deposits, medical certificates and adoption of the updated federal slamming regulations. First, the Commission is proposing to amend Rule 109 and to promulgate a new Rule 111. These changes concern customer deposits or advance payments to obtain utility service. New Rule 111 implements Section 14-508, Idaho Code, that states any deposit or advance payment made to obtain utility service that is unclaimed for more than one (1) year after termination of service is presumed to be abandoned property. Rule 111 would allow a telephone corporation to forward abandoned deposits or advance payments to “financial assistance programs” that assist low-income and disadvantaged customers with paying their telephone bills. Second, the proposed revisions to Rule 308 are intended to eliminate ambiguities and clarify the procedures for issuing and obtaining a medical certificate. In instances of a customer’s or family member’s serious illness or medical emergency, a certificate may postpone termination of telephone service. Finally, Rule 702 adopts the updated version of slamming regulations promulgated by the Federal Communications Commission. “Slamming” is the unauthorized change of a customer’s selected provider of local or long-distance telephone service.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: There are no fees associated with this proposed rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rule changes are minor and conform to Section 14-508, Idaho Code, and adopted federal regulations.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Beverly Barker at (208) 334-0302.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 6th day of August, 2004.

Jean D. Jewell, Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720, Boise, ID 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762

Street address for express delivery:  
472 W Washington  
Boise, ID 83702-5983

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 31-4101-0401**

## Senate State Affairs Committee

**PUBLIC UTILITIES COMMISSION**  
**Telephone Customer Relations Rules**

**Docket No. 31-4101-0401**  
**PENDING RULE**

### **RULES 101 THROUGH 199 - RESIDENTIAL AND SMALL BUSINESS DEPOSIT ~~AND GUARANTEE~~ PRACTICES**

#### **(BREAK IN CONTINUITY OF SECTIONS)**

#### **109. RECEIPT FOR DEPOSIT--RECORDS OF DEPOSITS (RULE 109).**

**01. Receipts.** Each customer paying a deposit ~~must~~ shall be given a receipt containing or otherwise be provided with the following information: (7-1-93)( )

- a. Name of customer and service address for which deposit is held; (7-1-93)
- b. Date of payment; (7-1-93)
- c. Amount of payment; and (7-1-93)
- d. Statement of the terms and conditions governing the return of deposits. (7-1-93)

**02. Retention of Records.** Each telephone company shall maintain records that will enable a customer entitled to a return of a deposit to obtain a refund even though the customer may be unable to produce the receipt for the deposit. These records must include the name of each customer, the service locations and telephone number(s) of the customer while the deposit is retained, and the date(s) and amount(s) of the deposits. The telephone company shall retain records of deposits that have been refunded to customers for a period of three (3) years after the date of refund. The telephone company shall retain ~~these~~ records of unclaimed deposits for a period of seven (7) years as required by ~~the Unclaimed Property Act, Sections 14-501 et seq., Idaho Code, and in particular~~ Section 14-531, Idaho Code, ~~(ten years)~~. (7-1-93)( )

**03. Transfer of Records.** Upon the sale or transfer of any telephone company or any of its operating units, the seller shall certify to the Commission that it has a list showing the names of all customers whose service is transferred and who have a deposit on file, the date the deposit was made and the amount of the deposit. (7-1-93)

#### **(BREAK IN CONTINUITY OF SECTIONS)**

#### **111. UNCLAIMED DEPOSITS AND ADVANCE PAYMENTS (RULE 111).**

**01. Presumption of Abandonment.** Pursuant to Section 14-508, Idaho Code, any deposit or advance payment made to obtain or maintain local exchange service, message telecommunications service (MTS), or other services that is unclaimed by the owner for more than one (1) year after termination of service is presumed abandoned. ( )

**02. Financial Assistance Program.** A telephone company may apply to the Commission for approval to pay unclaimed deposits and advance payments presumed to be

## Senate State Affairs Committee

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### **PUBLIC UTILITIES COMMISSION Telephone Customer Relations Rules**

**Docket No. 31-4101-0401  
PENDING RULE**

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abandoned to a financial assistance program which assists the telephone company's low income and disadvantaged customers with payment of utility bills. The telephone company shall remain obligated to file its report of such abandoned property as required by Section 14-517, Idaho Code, and retain records as required by Section 14-531, Idaho Code. ( )

~~1142.~~ -- 199. (RESERVED).

### **(BREAK IN CONTINUITY OF SECTIONS)**

#### **308. SERIOUS ILLNESS OR MEDICAL EMERGENCY (RULE 308).**

**01. Medical Certificate--Postponement of Termination of Local Exchange or MTS Services.** A telephone company offering local exchange or MTS service between a residential customer and the customer's nearest community providing necessary medical facilities or services must postpone termination of local exchange or MTS service to a residential customer for thirty (30) calendar days from the date of ~~the~~ receipt of a ~~current~~ written certificate signed by a licensed physician or public health official with medical training ~~that states~~. The certificate must contain the following information: ~~(1-5-95)~~( )

**a.** A statement that ~~the~~ customer, a member of the customer's family, or other permanent resident of the premises where service is provided, is seriously ill or has a medical emergency or will become seriously ill or have a medical emergency because of termination of service; and that ~~(7-1-93)~~

**b.** Termination of local exchange service would adversely affect the health of that customer, member of the customer's family, or resident of the household. ~~(7-1-93)~~( )

**b.** If the customer requests that termination of MTS service be postponed, a statement that termination of MTS service would impair the customer's ability to communicate with necessary medical facilities or services. ( )

~~**02. Contents Of Medical Certificate.** This certificate must be in writing and show clearly~~

**c.** ~~the~~ name of the person whose serious illness or medical emergency would be adversely affected by termination, ~~the nature of the serious illness or medical emergency,~~ and the relationship to the customer. ( )

**d.** ~~the~~ name, title, and signature of the person ~~giving notice of or~~ certifying the serious illness or medical emergency. ~~(7-1-93)~~( )

**032. Restoration of Service.** If local exchange or MTS service has already been terminated when the medical certificate is received, the appropriate service ~~must~~ shall be restored as soon as possible, but no later than twenty-four (24) hours after receipt. The customer ~~must~~ shall receive local exchange and necessary MTS services for thirty (30) calendar days from the telephone company's receipt of the certificate. ~~(1-5-95)~~( )

## Senate State Affairs Committee

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### **PUBLIC UTILITIES COMMISSION Telephone Customer Relations Rules**

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**Docket No. 31-4101-0401  
PENDING RULE**

~~**04. Payment Arrangements.** Before the expiration of the medical postponement, the customer must make payment arrangements with the telephone company in accordance with Rule 312.~~ (7-1-93)

**053. Second Postponement.** The telephone company must postpone termination of local exchange and necessary MTS service for an additional thirty (30) days upon receipt of a second certificate stating that the serious illness or medical emergency still exists, unless during the period of the first certificate excessive or unwarranted MTS calls were incurred and not paid or the customer refused to enter into payment arrangements. (1-5-95)( )

**064. Verification of Medical Certificate.** The telephone company may verify the authenticity of the certificate and may refuse to delay termination of service if the certificate is a forgery or is otherwise fraudulent. (7-1-93)

**05. Obligation to Pay.** Nothing in this rule relieves the customer of the obligation to pay any undisputed bill. ( )

### **(BREAK IN CONTINUITY OF SECTIONS)**

#### **702. ADOPTION OF FEDERAL SLAMMING REGULATIONS (RULE 702).**

The Commission adopts the slamming regulations promulgated by the Federal Communications Commission and found at Sections 64.1100 through 64.1170 and 64.1190, Title 47, Code of Federal Regulations (October 1, 2004). Local exchange companies and interexchange carriers shall comply with applicable provisions of the federal regulations adopted by reference except as modified in Section 703 of these rules. (3-15-02)( )

## Senate State Affairs Committee

### IDAPA 34 - SECRETARY OF STATE

#### 34.03.01 - RULES IMPLEMENTING THE SUNSHINE LAW

DOCKET NO. 34-0301-0401

#### NOTICE OF RULEMAKING - PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the Secretary of State and is now pending review by the 2005 Idaho Legislature for final approval. The pending rule becomes final at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Idaho Code 67-5224 and 67-5291. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Idaho Code 67-5224, notice is hereby given that the Secretary of State has adopted a pending rule. This action is authorized pursuant to Idaho Code 67-6619 and 67-6623.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

**Chapter 66, Title 67, Idaho Code, commonly referred to as the Sunshine Law, requires that lobbyists and their employers certify annual reports on expenditures. These rules formalize the required information and make reference to various forms being available online.**

**The pending rule is being adopted as proposed with no changes. The complete text of the pending rule was published in the October 6, 2004 Idaho Administrative Bulletin, Volume 04-10, pages 480 through 482.**

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the pending rule, contact Tim Hurst at (208) 334-2300.

DATED this 21st day of October, 2004.

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*The Following Notice Was Published With The Temporary And Proposed Rule*

**EFFECTIVE DATE:** The effective date of the temporary rule is October 1, 2004.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that the Secretary of State has adopted a temporary rule, and that proposed regular rulemaking procedures have been initiated. This action is authorized pursuant to Sections 67-6619 and 67-6623, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be



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**SECRETARY OF STATE**  
**Rules Implementing the Sunshine Law****Docket No. 34-0301-0401**  
**PENDING RULE**

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scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**Chapter 66, Title 67, Idaho Code, commonly referred to as the Sunshine Law, requires that lobbyists and their employers certify annual reports on expenditures. These rules formalize the required information and make reference to various reporting forms being available online.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Idaho Code §§ 67-5226(1)(b) and 67-5226(1)(c), the Governor has found that temporary adoption of the rule is appropriate for the following reasons: 1. The rules have a role in protecting the public welfare.

**FEE SUMMARY:** No fees are imposed or increased under these rules.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the simple nature of the rule, and the fact that annual reports have been filed for many years in the absence of the rule.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Tim Hurst at (208) 334-2300.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 25th day of August, 2004.

Tim Hurst  
Chief Deputy Secretary of State  
700 West Jefferson St.  
P.O. Box 83720  
Boise, Idaho 83720-0080

### THE FOLLOWING IS THE TEXT OF THE PENDING RULE

#### **000. LEGAL AUTHORITY.**

This chapter is promulgated pursuant to Chapter 66, Title 67, Idaho Code, specifically Idaho Code 67-6603, 67-6607, 67-6608, 67-6610, 67-6611, 67-6612, 67-6614A, 67-6619, 67-6623.

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### **SECRETARY OF STATE** **Rules Implementing the Sunshine Law**

**Docket No. 34-0301-0401**  
**PENDING RULE**

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(10-1-04)T

#### **001. TITLE AND SCOPE.**

The rules in this Chapter shall be known as IDAPA 34.03.01, “Rules Implementing the Sunshine Law”.

(10-1-04)T

#### **002. WRITTEN INTERPRETATIONS.**

Written Interpretations of this Chapter are available by mail from the Idaho Secretary of State.

(10-1-04)T

#### **003. CONTACT INFORMATION.**

**01. Office Hours.** Office of Secretary of State, 8:00 a.m. - 5:00 p.m. Monday through Friday.

(10-1-04)T

**02. Address.** The Street address is 700 W. Jefferson, Rm. 203, Boise, Idaho. The mailing address is P.O. Box 83720, Boise, ID 83720-0080.

(10-1-04)T

**03. Telephone.** The Election Division telephone number is (208) 334-2852.

(10-1-04)T

**04. FAX.** The facsimile machine is (208) 334-2282.

(10-1-04)T

#### **004. PUBLIC RECORDS ACT COMPLIANCE.**

This Chapter and its contents are subject to the Idaho Public Records Law.

(10-1-04)T

#### **005. ADMINISTRATIVE APPEALS.**

Administrative appeals are not available within the Secretary of State’s Office.

(10-1-04)T

#### **006. INCORPORATION BY REFERENCE.**

No documents have been incorporated by reference into this Chapter.

(10-1-04)T

**0007. -- 010. (RESERVED).**

#### **011. FORMS.**

**01. Form for Lobbyist Registration.** Pursuant to the authority of Section 23 of the Sunshine Law the official form for lobbyist registration as required by Section 17 is hereby adopted for use in reporting to the Secretary of State. This form shall be designated as “L-1” and shall be available online. The “L-1” form shall be accompanied by payment of a registration fee of ten dollars (\$10).

~~(7-1-93)~~(10-1-04)T

**02. Annual Report Form.** The official form for the lobbyist annual report as required by Section 67-6619, Idaho Code is hereby adopted for use in reporting to the Secretary of State. This form shall be designated as “L-2” and shall be available online.

(10-1-04)T

**a.** Expenditures to be reported are those made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist’s employer either directly or indirectly for lobbying

## Senate State Affairs Committee

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### SECRETARY OF STATE Rules Implementing the Sunshine Law

Docket No. 34-0301-0401  
PENDING RULE

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purposes. The total expenditures shall be cumulative for the calendar year covered by the report. Expenditure categories shall include entertainment, food and refreshment, advertising, living accommodations, travel, telephone, and other expenses or services. (10-1-04)T

**b.** The annual report shall include the name and address of the lobbyist and the name and address of the lobbyist's employer(s), and the subject matter or proposed legislation and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period; provided that in the case of appropriation bills the lobbyist shall enumerate the specific section or sections which he supported or opposed. (10-1-04)T

**c.** The annual report shall be certified as a true, complete, and correct statement by the lobbyist and the lobbyist's employer(s). (10-1-04)T

**023. Monthly Report Form.** The official form for the lobbyist monthly report as required by Section 67-6619, Idaho Code is hereby adopted for use in reporting to the Secretary of State. This form shall be designated as "L-3" and shall be ~~in the manner shown in Appendix I~~ available online. (7-1-93)(10-1-04)T

**a.** Expenditures to be reported are those made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer either directly or indirectly for lobbying purposes. The expenditure totals in such reports shall not be cumulative throughout the year but rather shall reflect the total expenditures during the calendar month covered by the report. Expenditure categories shall include entertainment, food and refreshment; advertising; living accommodations; travel; ~~office expenses~~ telephone; and other expenses or services. (7-1-93)(10-1-04)T

**b.** The monthly periodic report shall include the name and address of the lobbyist and the name and address of the lobbyist's employer; and the subject matter of proposed legislation and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period; provided that in the case of appropriation bills the lobbyist shall enumerate the specific section or sections which he supported or opposed. (7-1-93)

**c.** The monthly report shall be certified as a true, complete, and correct statement by the lobbyist. (10-1-04)T

**034. Form for the Appointment and Certification of Political Treasurer.** The official form for the appointment and certification of a political treasurer as required by Section 67-6603, Idaho Code is hereby adopted for use in reporting to the Secretary of State. This form shall be numbered "C-1" designated as "Appointment and Certification of Political Treasurer for Candidates and Committees" and shall be ~~in the manner shown in Appendix II of these rules~~ available online. (7-1-93)(10-1-04)T

**045. Forms for the Disclosure of Campaign Finances by Candidates and Political Committees.** The official forms for the statement required by Sections 67-6607, 67-6608, and 67-6612, Idaho Code are hereby adopted for use in reporting to the Secretary of State. The form numbered "C-2" shall be designated "Campaign Financial Disclosure Report" and shall be ~~in the~~

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**SECRETARY OF STATE**  
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~~manner shown in Appendix III, part A of these rules~~ available online. The form numbers "C-2A" shall be designated "Contributions Pledged But Not Yet Received" and shall be ~~in the manner shown in Appendix III, part B of these rules~~ available online. The form numbered "C-2B" shall be designated "~~Incurred Expenditures Not Yet Paid~~ Incurred (Debts and Obligations) and Payments Made on Debt" and shall be ~~in the manner shown in Appendix III, part C of these rules~~ available online. (7-1-93)(10-1-04)T

**056. Form for Report of Alleged Violation of Sunshine Law.** Pursuant to the authority of Section 67-6623(f), Idaho Code of the Sunshine Law the official form to be used in filing a complaint that a person has violated the Sunshine Law is hereby adopted for use in reporting to the Secretary of State. This form shall be designated as "L-5" and shall be available online. Any person may file a complaint against anyone covered by the Sunshine Law. Such complainant must submit form "L-5" to properly file his complaint. No other method of filing a complaint will be recognized. (7-1-93)(10-1-04)T

## Senate State Affairs Committee

### IDAPA 40 - IDAHO COMMISSION ON THE ARTS

#### 40.01.01 - RULES OF THE IDAHO COMMISSION ON THE ARTS

DOCKET NO. 40-0101-0401

#### NOTICE OF RULEMAKING - PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-5605, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

**The pending rule is being adopted as proposed with no changes. The complete text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, Volume 04-10, pages 625 through 648.**

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Dan Harpole, Executive Director, at (208) 334-2119.

DATED this 28th day of October, 2004.

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#### *The Following Notice Was Published With The Proposed Rule*

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-5605, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and

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### IDAHO COMMISSION ON THE ARTS Rules of the Idaho Commission on the Arts

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Docket No. 40-0101-0401  
PENDING RULE

purpose of the proposed rulemaking:

The proposed rules place into rule the current requirements for applicants under the Commission's grant and award programs. The proposed rules do not create new programs or requirements for applicants.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: No fee or charge is imposed or increased pursuant to this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rules implement the process currently used by the Commission and the arts community and does not alter or expand the process.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dan Harpole, Executive Director, at (208) 334-2119.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 20th day of August, 2004.

Dan Harpole  
Executive Director  
Idaho Commission on the Arts  
The Warden's Residence  
2410 Old Penitentiary Rd., Boise, ID 83712  
Phone: (208) 334-2119 / Fax: (208) 334-2488

### THE FOLLOWING IS THE TEXT OF THE PENDING RULE

#### 000. LEGAL AUTHORITY.

~~In accordance with Section 67-5602, Idaho Code, the duties of the Idaho Commission on the Arts shall be: to stimulate and encourage throughout the State the study and presentation of the performing and fine arts and public interest and participation therein; to make such surveys as may be deemed advisable of public and private institutions engaged within the state in artistic and cultural activities, including, but not limited to, music, theater, dance, creative writing, painting, sculpture, architecture, and allied arts and crafts and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the State; to take such steps as may be necessary and appropriate to encourage public interest in the cultural heritage of our State and to expand the State's cultural resources; to encourage and assist freedom of artistic expression essential for the well-being of the arts. Section 67-5605, Idaho Code gives the Commission authority to promulgate rules necessary to the discharge of the Commission's duties.~~  
(11-14-93)( )

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### IDAHO COMMISSION ON THE ARTS Rules of the Idaho Commission on the Arts

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PENDING RULE

#### 001. TITLE AND SCOPE.

**01. Title.** These rules shall be cited as IDAPA 40, Title 01, Chapter 01, “Rules of the Idaho Commission on the Arts,” IDAPA 40.01.01. ( )

**02. Scope.** These rules ~~constitute the minimum style, format and numbering requirements for administrative rules in Idaho~~ contain the provisions for consideration for a grant or an award under the Commission’s programs. (11-14-93)( )

#### 002.—006. ~~(RESERVED)~~ WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretation of the rules of this chapter, or to compliance with the rules of this chapter. Any such documents are available for public inspection and copying at cost at the Commission’s office. ( )

#### 003. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal of the administrative requirements for applicants under the Commission’s programs as contested cases pursuant to the provisions of Title 67, Chapter 52, Idaho Code. The Commission provides for internal requests for reconsideration of applications under Section 208 of these rules. ( )

#### 004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. ( )

#### 005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The location and mailing address of the Commission is 2410 North Old Penitentiary Road, Boise, Idaho 83712. The offices are open daily from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The Commission’s telephone number is (208) 334-2119, and facsimile number is (208) 334-2488. ( )

#### 0076. OPEN MEETINGS.

This agency operates pursuant to the Idaho Open Meetings Law, Sections 67-2340 through 67-2347, Idaho Code. (11-14-93)

#### 0087. PUBLIC RECORDS.

This agency operates pursuant to the Idaho Public Records Act, Sections 9-337 through 9-348, Idaho Code. (11-14-93)

#### 0098. -- 099. (RESERVED).

#### 100. MEMBERSHIP DEFINITIONS.

**01. Members.** ~~The governing board of the Commission shall consist of thirteen (13) members, representative of the public, Idaho’s ethnic and cultural diversity, the various fields of the performing and fine arts, and all geographic areas of the state.~~ **Applicant.** An individual or organization meeting the criteria set forth in Section 202 of these rules, which has submitted an application for a program offered by the Commission. (11-14-93)( )

## Senate State Affairs Committee

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### IDAHO COMMISSION ON THE ARTS Rules of the Idaho Commission on the Arts

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**02. ~~Appointment.~~** ~~Each member shall be appointed by the governor from among citizens of the state who are widely known for their interest, competence, and experience in the performing and fine arts. In making such appointments, due consideration shall be given to the recommendations made by representative civic, educational and professional associations and groups concerned with or engaged in production or presentation of the performing and fine arts generally (minority representation).~~ **Apprentice.** A student with knowledge of a traditional art who is studying or seeking to study the traditional art under a master and who affirms a commitment to continue practicing the traditional art after the apprenticeship has ended.

(11-14-93)( )

**03. ~~Term.~~** ~~The term of office of each member shall be four (4) years. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments. Not more than four (4) terms expire in any one (1) year.~~ **Artist.** An individual who practices the arts as the individual's profession. An individual who practices the arts as a profession and derives a significant portion of the individual's livelihood from performing the arts or engages in frequent or regular exhibitions, performances, publications, or similar public art displays.

(11-14-93)( )

**04. ~~Leadership.~~** ~~The governor shall designate a chairman and a vice chairman from the members of the commission to serve as such at the pleasure of the governor.~~ **Art.** The product of an artist's work. Art includes, but is not limited to, live performances, manuscripts and writings, folk and traditional arts, videotapes, audiotapes and compact disks, photographs, prints, paintings, sculptures, ceramics, drawings, and installations.

(11-14-93)( )

**05. ~~Compensation.~~** ~~The members of the commission shall be compensated as provided by Section 59-509(b), Idaho Code.~~ **Arts.** The conscious production or arrangement of sounds colors, forms, or other elements in a manner that affects the senses. The arts shall include, but are not limited to, the disciplines of literature, performing arts, and visual arts.

(11-14-93)( )

**06. Capital Expenditures.** Costs or expenses for the acquisition of or the modification or improvements to real property or fixtures to real property.

( )

**07. Commission.** The Idaho Commission on the Arts.

( )

**08. Matching Contributions.**

( )

**a. In-kind Contributions.** Services and real or personal property, or the use thereof, donated by organizations or individuals to the applicant.

( )

**b. Cash Contributions.** Funds raised by the applicant specifically for the subject of the application.

( )

**09. Discipline.** A grouping of types of arts. The Commission uses the following discipline categories:

( )

**a. Literature.** Arts disciplines resulting in written art. Literature artists include, but are not limited to, fiction, creative nonfiction, and poetry.

( )



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### IDAHO COMMISSION ON THE ARTS Rules of the Idaho Commission on the Arts

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**b.** Performing Arts. Arts disciplines resulting in live or recorded performances. Artists engaged in the performing arts include, but are not limited to, dancers, musicians, choreographers, actors, playwrights, set and costume designers, composers, and performers. ( )

**c.** Visual Arts. Arts disciplines resulting in works that are viewed by the public. Visual artists include, but are not limited to, painters, crafters, photographers, printmakers, sculptors, video artists, architects, ceramists, metal smiths, paper, glass and fiber artists, mixed media artists, glass artists, designers, book artists, installation artists, artists working in new technologies, outsider or visionary artists, and folk and traditional arts involving craft. ( )

**10. Fiscal Year.** The period between July 1 of one (1) calendar year and June 30 of the following calendar year. ( )

**11. Master.** An individual who has learned traditional art skills informally and has received peer recognition for achieving the highest level of artistry according to community standards. ( )

**12. Program.** The categories for the award or grant of funds or recognition by the Commission described in Sections 300 through 504 of these rules. ( )

**13. Recipient.** An applicant receiving an award or grant under a Commission program. ( )

**14. Traditional Art.** The arts practiced by an ethnic or cultural group for multiple generations and based upon the ethnic or cultural group's historical practices. Traditional arts include, but are not limited to, music, song, storytelling, vernacular architecture, crafts, tools and trades, occupational practices, personal experience stories, jokes, rhymes, games and foodways such as food preparation, preservation and presentation. ( )

101. -- 199. (RESERVED).

### 200. ~~EMPLOYEES~~ — ~~EXECUTIVE DIRECTOR DUTIES~~ GENERAL PROGRAM REQUIREMENTS.

The provisions of Sections 201 through 208, of these rules, apply to each program offered by the Commission. ( )

~~**01. Employment.** The commission shall employ, and at pleasure remove, an executive director. The executive director shall be the chief executive officer of the commission and shall have general supervision over the affairs of the commission and over its professional staff, subject, however, to the direction and control of the members of the commission and its chairman.~~ (11-14-93)

~~**02. Hire And Terminate.** It is designated as the responsibility of the executive director to hire and/or terminate all employees of the Commission.~~ (11-14-93)

~~**03. Other Employees.** The executive director may, subject to the approval of the~~

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~~commission, employ and remove any consultants, experts or other employees as may be needed.~~  
(11-14-93)

~~**04. Contracts.** The executive director may sign and execute, in the name of the commission, any contracts or other documents authorized by the Commission or by the executive committee, except where expressly forbidden to do so by legislative act and except in cases where the signing and execution thereof shall be expressly delegated by the members of the commission to some other officer or agent, and in general shall perform all duties incident to the Office of the Chief Executive Officer of the Commission and such other duties as may from time to time be required by the commission.~~  
(11-14-93)

~~**05. Staff.** The executive director shall, whenever it may be necessary, in his opinion, prescribe the duties of any subordinate staff whose duties are not otherwise defined.~~ (11-14-93)

~~**06. Rulemaking.** Certify and file with the Secretary of State, state of Idaho, an original and copy of these Rules and any amendments thereto.~~ (11-14-93)

~~**07. Minutes.** Keep at the principal office of the commission or such other place as the members of the commission or the chairman may direct, a book of minutes of all meetings of the commission with the time and place, whether regular or special, the notices thereof, and the names of those present at the meetings, copies of which minutes shall be mailed to each member after the meeting.~~  
(11-14-93)

~~**08. Notices.** See that all notices are duly given in accordance with the provisions of these Rules as required by law.~~ (11-14-93)

~~**09. Custodian.** Be custodian of the records of the commission.~~ (11-14-93)

~~**10. Document Maintenance.** See that the books, reports, statements and all other documents and reports required by law are properly kept and filed.~~ (11-14-93)

~~**11. Records.** Exhibit at all reasonable times, to any member of the commission, upon application, the records of the proceedings of the members.~~ (11-14-93)

~~**12. Other.** In general, perform all duties of the office of executive director and such other duties as may from time to time be required of the director by the members.~~ (11-14-93)

~~**13. Accounting.** Keep an accurate record and necessary books for the proper accounting of all expenditures of the commission.~~ (11-14-93)

~~**14. Financial.** Prepare such financial reports and statements as required by the National Endowment for the Arts and the state of Idaho.~~ (11-14-93)

### 201. FUNDING LIMITATIONS.

The Commission will not provide funding for the activities, costs, or projects set forth in this Section. ( )

**01. Excluded Applications.** The Commission will exclude applications for the

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- following from consideration for a grant or award: ( )
- a. Establishment of or contributions to an endowment; ( )
  - b. Fund-raising projects that do not raise funds for the arts; ( )
  - c. Prizes, scholarships, or free tickets; ( )
  - d. Projects or programs to generate or attract audiences; ( )
  - e. The offsetting of personal or organizational debts; ( )
  - f. Activities that are primarily promotional or created for mass distribution including, but not limited to, duplication of compact disks, creation of portfolios, gallery announcements, self-published books, flyers, brochures, or Internet sites; ( )
  - g. Student exhibitions, anthologies, publications, or performances, unless those activities document an arts education grant; ( )
  - h. Costs associated with any degree including, but not limited to, tuition, fees, or teaching materials; ( )
  - i. Projects or activities already completed or documentation of projects; ( )
  - j. Projects that are primarily recreational, therapeutic, vocational, rehabilitative, or religious; ( )
  - k. Projects restricted to an organization's membership; ( )
  - l. Costs for recurring activities or consecutive attendance at annual activities that are routinely within an arts organization's budget including, but not limited to, conferences of the National Assembly of State Arts Agencies, Americans for the Arts, or the Western Arts Alliance; ( )
  - m. Pageants, festivals, or celebrations unrelated to arts, ethnic, or cultural activities; ( )
  - n. Journalism; ( )
  - o. Historical or academic documentary film; ( )
  - p. Scholarly or academic works; ( )
  - q. Lobbying expenses or political activities; ( )
  - r. Hospitality expenses including, but not limited to, food and drink; ( )
  - s. Capital expenditures for individuals; or ( )

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t.     Writing intended for youth. ( )

#### **202. APPLICANTS.**

**01. Categories of Applicants.** Applicants must fall within one (1) of the following categories: ( )

**a.**     An individual artist or arts administrator meeting the criteria set forth in Subsection 202.02, of this rule, who is submitting an application based solely on the applicant's work. ( )

**b.**     An organization meeting the criteria set forth in Subsection 202.03 of this rule. ( )

**c.**     A collaboration of individual artists where the majority of the artistic effort is that of the primary individual. The application must identify the primary individual as the applicant and the applicant must sign the application, meet the criteria set forth in Subsection 202.02 of this rule, and accept all legal and contractual obligations of the program. The Commission will consider the applicant as submitting the application and receiving the program award for the purposes of the exclusions related to the number of applications and program awards in this section. ( )

**02. Requirements for Individuals.** If the applicant is an individual, the applicant must: ( )

**a.**     Be a citizen of the United States or a permanent legal resident or a refugee. ( )

**b.**     Be a resident of the state of Idaho for at least twelve (12) months before the date of the application. ( )

**c.**     Be over the age of eighteen (18), unless the applicant is an apprentice. ( )

**03. Requirements for Organizations.** If the applicant is an organization, the applicant must: ( )

**a.**     Have been operating in the state of Idaho for at least twelve (12) months before the date of the application. ( )

**b.**     Be a school, unit of local, county, tribal, or state government, or an organization determined to be tax exempt by the United States Internal Revenue Service whose primary purpose is the production, presentation, or support of the arts. ( )

**i.**     Organizations that have applied for a tax-exempt status determination and have not received the determination may submit an application through another tax-exempt organization as its designated fiscal agent. Service as a fiscal agent does not exclude an organization from applying for programs on behalf of the organization serving as a fiscal agent. ( )

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ii. Tax-exempt organizations must have an independent board of directors empowered to formulate policies and be responsible for the governance and administration of the organization, its programs, and its finances. ( )

c. Compensate artists and arts administrators at no less than the legal minimum wage or in accordance with a written agreement. ( )

**04. Application and Funding Limits.** An applicant shall submit no more than one (1) application per program each fiscal year. Applicants under the QuickFund\$ programs may submit one (1) QuickFund\$ application per application deadline and shall receive funds under no more than one (1) QuickFund\$ grant each fiscal year. ( )

### **203. APPLICATIONS.**

**01. Application Forms.** Applications shall include a completed application form in the format provided by the Commission for the applicable program, produced on eight and one-half inch by eleven inch (8½" x 11") paper and typed, reproduced on a computer, or neatly handwritten. The font or typeface must be at least twelve (12) point. Application forms may include questions requiring narrative answers and a proposed budget. Application forms shall not exceed the page limit for the program specified on the application form. The Commission may decline to consider pages in excess of the page limit. ( )

**02. Submission.** Applications shall be hand delivered to the Commission or sent to the Commission by the United States mail or other courier or delivery service. The Commission will not accept applications or supporting materials submitted by facsimile transmission or electronically. The Commission will accept applications for a program for a period beginning one (1) month prior to the next application deadline for the program and concluding on the application deadline. ( )

**03. Ownership and Return of Applications.** Upon submission, applications shall become the property of the Commission. At the request of the applicant, the Commission will return work samples. The return of work samples shall be at the risk and expense of the applicant. The Commission may require pre-payment of packing and shipping costs for the return of work samples. ( )

**04. Work Samples and Supporting Materials.** Each application shall include the work samples and supporting materials specified in these rules for the applicable program. ( )

a. Work samples shall be no more than five (5) years old. ( )

b. Applicants shall not send original work samples or master copies of work samples. ( )

c. Requirements for work samples are as follows: ( )

i. Slides. Applicants must submit no more than ten (10) two inch by two inch (2" x 2") slides. No more than two (2) detail shots may be included in slide submissions. Slides must be submitted in a plastic sheet, numbered one (1) to ten (10) in order of presentation, and labeled

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with the applicant's name, title, medium, dimensions, and date of the work. Applicants should place a red dot on the lower front left corner of the slide to indicate the placement of the slide. Applicants must submit a slide list containing the applicant's name, title, medium, dimensions, and date of the work. Applicants may include comments about each slide on the slide list. ( )

ii. **Videotapes.** Applicants must submit no more than two (2) properly cued videotapes. Unless approved by the Commission in writing, Videotapes shall be in VHS format. Each videotape cassette shall be labeled with the applicant's name, title of the work, and the date written, produced, or performed. Videotapes must be accompanied by an information list including the applicant's name, title of the work, the date written, produced, or performed, a description of the work sample, an explanation of what the Commission is seeing, and the applicant's responsibilities in the work. ( )

iii. **Audiotapes and Compact Disks.** Applicants must submit no more than two (2) properly cued audiotapes or compact disks. If applicable, applicants must indicate the track(s) to be reviewed by the Commission on each compact disk or audiotape. Audiotapes or compact disks must be labeled with the applicant's name, title of the work, and the date of the work. Audiotapes or compact disks must be accompanied by an information list including the applicant's name, title of the work, the date of the work, a description of the work, and the applicant's responsibilities in the work. ( )

iv. **Manuscripts.** Manuscripts must specify the completion date of the work. Applicants shall limit fiction and nonfiction work samples to three (3) short works of no more than twenty (20) pages or two (2) excerpts from larger works of not more than twenty (20) pages. Poetry work samples must be no more than fifteen (15) pages. Poems of less than one (1) page in length must be printed one (1) poem to a page. Manuscripts must be produced on eight and one-half inch by eleven inch (8½" X 11") paper and typed, reproduced on a computer, or neatly handwritten. The font or typeface must be at least twelve (12) point. ( )

**05. Resumes.** Resumes shall be no longer than two (2) pages and describe the applicant's professional development as an artist or arts administrator. Resumes must be produced on eight and one-half inch by eleven inch (8½" X 11") paper and typed, reproduced on a computer, or neatly handwritten. The font or typeface must be at least twelve-point (12). Resumes may contain academic training, publications, honors and awards, locations of exhibitions or performances, or a short personal biography concerning training in a traditional art. ( )

**06. Artist Statements.** Artist statements shall be no longer than one (1) page and must be produced on eight and one-half inch by eleven inch (8½" X 11") paper and typed, reproduced on a computer, or neatly handwritten. The font or typeface must be at least twelve (12) point. An artist statement should discuss the purpose of the work and provide the reader with a personal perspective of the artist concerning the work. ( )

**07. Publication, Performance, and Production Information.** Publication, performance, or production information shall be restricted to the applicant's resume. ( )

**08. Matching Contributions.** At the request of the Commission, the applicant shall provide documentation of matching contributions for Commission review. Contributions of services must be uncompensated and, if the applicant is an organization, shall not include the

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services of the applicant's board members. In-kind contributions must be valued at the reasonable rate for the services or property provided to the applicant in the applicant's community. If cash contributions are raised through fund-raising activities or donations from individuals, private foundations, or private companies, the applicant must identify the source of the cash contribution and maintain documentation substantiating the source of the cash contribution. ( )

#### **204. DISQUALIFICATION.**

The Commission may disqualify an applicant for any one (1) of the following: ( )

**01. Non-Compliance with Rules.** Failure to satisfy the requirements of these rules. ( )

**02. Application Information, Samples, and Supporting Materials.** Failure to provide information requested on the application form, to submit work samples or other supporting materials required by these rules, or to sign the application. ( )

**03. Prior Non-Compliance.** Failure to comply with the terms and conditions of a prior grant to the applicant by the Commission. ( )

#### **205. PROGRAM GRANTS AND AWARD AMOUNTS.**

Program grants and awards are subject to funds availability and may be awarded in any amount at the discretion of the Commission. The Commission may decline to accept applications or to issue an award or grant for any program due to a lack of funding. At the discretion of the Commission, a recipient may receive travel expense reimbursement. ( )

#### **206. FINAL REPORTS.**

Recipients must submit a final report to the Commission no later than the earlier of sixty (60) days following completion of the project or the last day of the final fiscal year of the award term. ( )

#### **207. DELEGATION.**

The Commission may delegate its roles, responsibilities, or duties under these rules to Commission staff, artists, or community volunteers including, but not limited to, the review of program applications. ( )

#### **208. RECONSIDERATION OF APPLICATIONS.**

Applicants may request reconsideration of an application within thirty (30) days of a program grant or award notification issued by the Commission. Requests for reconsideration must be in writing and filed with the executive director of the Commission at the Commission's offices. The Commission considers requests for reconsideration where the applicant demonstrates a misinterpretation or misunderstanding of the application, work samples, or supporting materials. The Commission will not consider a request for reconsideration based upon incomplete or incorrect applications, work samples, or supporting materials. ( )

**2049. -- 299. (RESERVED).**

#### **300. ~~COMPENSATION~~ PROGRAMS SUPPORTING INDIVIDUALS.**

The commission administers the programs for individuals or collaborations of individuals set

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forth in Sections 301 through 304 of these rules. ( )

~~01. Director. The salary of the executive director shall be established by action of the commission. (11-14-93)~~

~~02. Other Employees. Salaries of all other employees of the commission shall be established by the executive director and shall, in general, be in accordance with those set in the classification and pay plan under the state of Idaho merit system law. (11-14-93)~~

### **301. QUICKFUNDS.**

QuickFund\$ provides grants to support new or exemplary arts projects, activities, or professional development for individuals working in all disciplines and for the professional growth of arts administrators. QuickFund\$ grants are available to individuals for professional development and QuickProjects. ( )

**01. QuickFund\$ - Professional Development.** QuickFund\$ for professional development provides reimbursement to artists for gatherings where they will teach or learn from their peers and to arts administrators for attending a conference, seminar, workshop, or other form of career advancement training. The Commission will not accept QuickFund\$ for professional development applications: ( )

**a.** For the same event or opportunity from more than one (1) member or staff of a single organization with a budget over fifty thousand dollars (\$50,000). ( )

**b.** For the same event or opportunity from more than two (2) members or staff of a single organization with a budget under fifty thousand dollars (\$50,000). ( )

**c.** For attendance at the same opportunity or event that was the subject of award to the applicant in the prior fiscal year. ( )

**d.** From an applicant who has received a QuickFund\$ grant in the same fiscal year. ( )

**02. QuickFund\$ - QuickProjects.** QuickProjects provides support for activities that allow an applicant to develop significant and specific projects or new works that will be shared with the public. ( )

**03. QuickFund\$ - Evaluation Criteria.** QuickFund\$ grant applications for individuals are evaluated on a point scale with a total of one hundred (100) points. ( )

**a.** Artistic Quality. A maximum of fifty (50) points are awarded for artistic quality. Artistic quality is evaluated as follows: ( )

**i.** For artists, evaluation of artistic quality is based upon the skill demonstrated by the work samples submitted by the applicant and whether the project, purpose, or goal of the applicant is a logical extension of the applicant's previous work or aesthetic interest. ( )

**ii.** For arts administrators, evaluation of artistic quality is based upon whether the



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applicant's past work history indicates professional experiences with respected arts organizations or projects, or whether the organization for which the applicant works produces programs of high artistic quality that are appropriate for the organization's stated mission. ( )

**b.** Feasibility. A maximum of twenty-five (25) points are awarded for feasibility. The evaluation of feasibility is based upon whether the applicant's ability and plan demonstrates that the applicant can realistically accomplish the project or activity and whether the budget is clear and correlates with the applicant's description of the project or activity. ( )

**c.** Artistic Growth. A maximum of twenty-five (25) points are awarded for artistic growth. The evaluation of artistic growth is based upon whether the opportunity has the potential to significantly affect or enhance the applicant's ability, career, artistic development, technique, or managerial skills. Where appropriate, the evaluation considers whether there the opportunity includes the public, such as with an exhibition, performance, reading, or demonstration. ( )

**d.** Preferences. The Commission may give preference to applicants who have not previously received funds through a Commission program. ( )

**04. QuickFund\$ - Matching Contributions.** Applicants for a QuickProjects grants must provide Cash contributions equaling one-third (1/3) of the requested funds. Applicants for professional development must provide cash contributions equaling the requested funds. ( )

**05. QuickFund\$ - Application Requirements.** Applicants for QuickFund\$ for individuals shall submit an application form, a resume, an artist statement, and work samples appropriate to the applicant. Artist statements are not required for writers or arts administrators. ( )

**06. QuickFund\$ - Application Deadlines.** QuickFund\$ applications must be postmarked or hand delivered to the Commission on or before the first Monday of March, June, September, or December. ( )

### **302. FELLOWSHIPS.**

Fellowships recognize the outstanding work and artistic excellence of Idaho artists. Fellowships are intended to reward dedication to a discipline, promote public awareness, and to advance an artist's career. ( )

**01. Fellowships - Evaluation Criteria.** Fellowship applications are evaluated on a points scale with a total of one hundred (100) points. ( )

**a.** Artistic Excellence. A maximum of eighty-five (85) points are awarded for artistic excellence. The evaluation of artistic excellence is based upon the originality, distinguished consistency, and preeminent quality of the applicant's work. If the applicant practices traditional arts, the evaluation is also based upon the quality of the execution of the applicant's work and the applicant's affiliation to community esthetics. ( )

**b.** Professional History. A maximum of fifteen (15) points are awarded for professional history. The evaluation of professional history is based upon the applicant's level of professional recognition and achievement and the applicant's community involvement. If the

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applicant practices traditional arts, the evaluation is also based upon the artist's commitment to their cultural community's artistic and cultural traditions through continued practice, excellence of work, and teaching. ( )

**02. Fellowships - Limitations on Award.** The Commission will not accept applications from recipients receiving a Fellowship in the prior fiscal year. The Commission will not award more than three (3) fellowships to an artist. The Commission will not award a literature fellowship to applicants who have previously received a Writer in Residence award from the Commission. ( )

**03. Fellowships - Coordination With Writer in Residence Program.** Applicants may apply for both the Writer in Residence program and the Fellowship program on one (1) application. If selected for award under both programs, the applicant shall accept only one (1) program award. ( )

**04. Fellowships - Discipline Rotation.** Fellowship awards are awarded to artists based upon discipline in a three (3) year rotation. Beginning with fiscal year 2005, the rotation cycle is as follows: ( )

**a.** Year one (1) - literature; ( )

**b.** Year two (2) - visual arts; and ( )

**c.** Year three (3) - performing arts. ( )

**05. Fellowships - Application Requirements.** The Commission reviews applications for fellowships anonymously. Notwithstanding the requirements for work samples and supporting materials in these rules, applicants shall follow the directions contained in the application form for preserving the applicant's anonymity. Applicants for fellowships shall submit an application form, a resume, an artist statement, and work samples appropriate to the applicant. ( )

**06. Fellowships - Application Deadline.** Fellowship applications must be postmarked or hand delivered to the Commission on or before the last business day of January. ( )

### **303. WRITER IN RESIDENCE.**

the Writer in Residence appointment is the highest recognition of achievements in literature and the largest financial award accorded an Idaho writer by the state of Idaho. ( )

**01. Writer in Residence - Recipient Obligations.** Recipients of a Writer in Residence appointment shall give twelve (12) public readings throughout the state of Idaho during the appointment term. Eight (8) public readings shall be in communities with populations of fewer than twenty-five thousand (25,000) residents. The public readings shall be conducted at regular intervals, approved by the Commission, during the term of the appointment. In its discretion, the Commission may require the recipient to give up to three (3) additional readings at special public events. ( )

**02. Writer in Residence - Limitations on Award.** The Commission will not recommend applicants with two (2) prior Writer in Residence appointments for subsequent

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appointment to Writer in Residence. The Commission will not award a Literature Fellowship to applicants who have previously received a Writer in Residence appointment. ( )

**03. Writer in Residence - Evaluation Criteria.** Writer in Residence applications are evaluated on a points scale with a total of one hundred (100) points. ( )

**a.** Literary Excellence. A maximum of sixty (60) points are awarded for literary excellence. The evaluation of literary excellence is based upon the originality, distinguished consistency, and preeminent quality of the applicant's work. ( )

**b.** Past Work and Contributions to Literature. A maximum of twenty (20) points are awarded based upon the quality of the applicant's past work and the applicant's contributions to Literature. ( )

**c.** Effectiveness of Oral Reading. A maximum of twenty (20) points are awarded for the effectiveness of the applicant's oral reading. ( )

**04. Writer in Residence - Coordination with Fellowships.** Applicants may apply for both the Writer in Residence program and the Fellowship program on one (1) application. If selected for award under both programs, the applicant shall accept only one (1) program award. ( )

**05. Writer in Residence - Award and Term.** The Commission submits recommended appointments under the Writer in Residence program to the Governor. Appointments to Writer in Residence are made in the sole discretion of the Governor. The term of a Writer in Residence appointment is three (3) years beginning with the date of appointment specified in the announcement of award by the Commission. ( )

**06. Writer in Residence - Application Requirements.** The Commission reviews applications for the Writer in Residence program anonymously. Notwithstanding the requirements for work samples and supporting materials in these rules, applicants shall follow the directions contained in the application form for preserving the applicant's anonymity. Applicants for the Writer in Residence program shall submit an application form, a resume, manuscripts, and an audiotape or compact disk of the applicant's oral reading. ( )

**07. Writer in Residence - Application Deadline.** Writer in Residence applications must be postmarked or hand delivered to the Commission on or before the last business day of January. ( )

### **304. TRADITIONAL ARTS APPRENTICESHIPS.**

The Traditional Arts Apprenticeships program supports a learning partnership between a master and an apprentice. ( )

**01. Traditional Arts Apprenticeships - Funding Limitations and Requirements.** ( )

**a.** The traditional art practiced by the master must represent a shared cultural tradition of the apprentice. ( )

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**b.** If the apprentice is under eighteen (18) years of age, the traditional art must traditionally be taught or passed down to persons under eighteen (18) years of age. ( )

**c.** A master may train more than one (1) apprentice where the traditional art is traditionally practiced by a group or taught or passed down in a group. ( )

**d.** A master may reside outside of Idaho if the ethnic or cultural group represented by the traditional art extends beyond Idaho. ( )

**02. Traditional Arts Apprenticeships - Evaluation Criteria.** Traditional arts apprenticeships applications are evaluated on a points scale with a total of one hundred (100) points. ( )

**a.** Quality. A maximum of fifty (50) points are awarded for quality. The evaluation of quality is based upon the community recognition accorded to the master, the benefit to the applicant from working with the master, and the commitment of the applicant to advancing his skills in the traditional art and to carrying on the traditional art. ( )

**b.** Community. A maximum of twenty-five (25) points are awarded for community. The evaluation of community is based upon whether the master and the applicant share the same cultural background, whether the traditional art is significant to the cultural or ethnic community from which it arises and to the broader community, and whether the traditional art's practice is endangered or there are few artists practicing the traditional art. ( )

**c.** Feasibility. A maximum of twenty-five (25) points are awarded for feasibility. The evaluation of feasibility is based upon whether the goals for the apprenticeship are clear, whether the applicant has submitted a clear, complete, and appropriate budget, and whether the work plan provides an appropriate time for interaction between the applicant and the master. ( )

**d.** Preferences. The Commission may give preference to traditional art forms with few practicing artists. ( )

**03. Traditional Arts Apprenticeships - Length of Apprenticeships.** The length of an apprenticeship under the traditional arts apprenticeships program shall not exceed ten (10) months. The Commission, in its sole discretion, may grant an extension of the length of an apprenticeship upon receipt of a written request submitted prior to the expiration of the length of the originally awarded apprenticeship. ( )

**04. Traditional Arts Apprenticeships - Work Plan.** The master and the applicant shall cooperatively develop a work plan for the apprenticeship. The work plan shall include the meeting schedule, meeting locations, and the materials needed for the apprenticeship. The work plan should consider the availability of seasonal materials and the preparation of materials prior to use. ( )

**05. Traditional Arts Apprenticeships - Instructional Fees.** Traditional arts apprenticeships awards shall include payment of an hourly instructional fee at a rate determined by the Commission to the master for the number of instructional hours approved by the

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Commission. ( )

**06. Traditional Arts Apprenticeships - Application Requirements.** Applications for traditional arts apprenticeships award shall submit an application form, a work plan, two (2) to three (3) letters of support from community members that describe the applicant's artistic contributions to the community and how the applicant's traditional art relates to the applicant's heritage, work samples appropriate to the applicant, and work samples appropriate to the master. Applicants are also encouraged to submit the master's resume. ( )

**07. Traditional Arts Apprenticeships - Application Deadlines.** Traditional arts apprenticeships applications must be postmarked or hand delivered to the Commission on or before the first business day of March. ( )

**3045. -- 399. (RESERVED).**

#### **400. MEETINGS PROGRAMS SUPPORTING ORGANIZATIONS.**

The Commission administers the programs for organizations set forth in Sections 401 though 405 of these rules. ( )

**01. Meetings Held.** ~~The regular meetings of the Idaho Commission on the Arts shall be held at least twice annually.~~ **Organizations - Significant Changes.** Applicants that experience significant changes in the applicant's staff, programming, or finances following submission of an application and prior to a program award must notify the Commission of the changes in writing. (11-14-93)( )

**02. Location.** ~~The regular meetings of the commission shall be held at any place within the State designated by the chairman. Special meetings shall be held at the place designated in the notice of such meetings and all meetings shall be valid wherever held.~~ **Organizations - General Evaluation Criteria.** The Commission reviews applications for support of organizations using the following general criteria. These general criteria are encompassed within the point totals and specific evaluation criteria of each program. Applicants should include substantiation for each of the criteria in the application. (11-14-93)( )

**a.** Community support through fund-raising or other community financial support. ( )

**b.** Accuracy of the budget submitted with the application. ( )

**c.** Involvement of Idaho artists and arts organizations. Use of out-of-state resources is permitted if the applicant demonstrates that the resources are not available with Idaho or if their use supplements the resources available locally. ( )

**d.** The applicant's financial need and access to financial and artistic resources. ( )

**e.** The applicant's commitment to make the arts accessible to all members of the public. Accessibility includes the ability of persons with special needs, ethnic groups, occupational groups, senior citizens, and young audiences to access the arts. Accessibility also includes consideration of the location and ease of use of facilities, content of the activities, and the

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planning process. Applicants must include documentation showing that the applicant invited pertinent cultural and community groups to participate in the applicant's planning process. ( )

**f.** The applicant's commitment to fairly compensating artists. ( )

**g.** The applicant's use of admission fees, where applicable, to provide financial support for the subject of the application. The Commission encourages the use of admission fees. ( )

**03.** ~~Notice. Notice of each meeting of the Commission shall be given at least thirty (30) days prior to the date thereof by mailing a copy of the notice to each member at his last known residence. Each notice shall specify the place, the day, the hour of the meeting, and, in the case of special meetings, the nature of the business to be transacted.~~ **Acquisition or Commission of Works.** Applicants seeking funding for the acquisition of works of art or the commission of new works of art must meet the following criteria. The applicant must: (11-14-93)( )

**a.** Maintain a permanent exhibition facility that is open to the public. ( )

**b.** Demonstrate excellent management and security practices. ( )

**c.** Maintain an ongoing exhibition program or a permanent collection. ( )

**04.** ~~Public Comments. Members of the public may be permitted to speak before the Commission upon making official request to the Chairman before adjournment.~~ **College and University Applicants.** The Commission will accept applications from college and university applicants if the applicant presents and markets its arts activities to the general public and the subject of the application is supplementary to the applicant's regular curriculum. College and university applicants are not eligible for General Operating Support grants or for Cultural Facilities grants. College and university applicants must provide matching contributions from non-public funds. The Commission will not classify organizations affiliated with a college or university, operating as a separate tax-exempt organization and applying as the separate tax-exempt organization, as a college or university applicant. (11-14-93)( )

#### **401. QUICKFUND\$ FOR ORGANIZATIONS.**

QuickFund\$ grants provide timely assistance to arts organizations for professional advice or training, pilot arts projects, projects essential to the initial growth of an organization, or new programs. The Commission will not award QuickFund\$ grants for programs, events, or aspects of events that occur annually or that exceed the term of the award. QuickFund\$ grants are available to organizations for QuickProjects and training and advice. ( )

**01. QuickFund\$ - QuickProjects.** QuickProjects provides funds for pilot arts projects, projects essential to the initial growth of an organization, or new programs. ( )

**02. QuickFund\$ - Training and Advice.** Training and advice awards provide funds for management consultancies and artistic consultancies. Management consultancies address aspects of the organization's operations such as fund-raising, technology, marketing, public relations, organizational development, audience development, long-range planning, program development, accessibility planning, and board or financial management. Artistic consultancies

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address aspects of the organization's arts projects such as voice instruction, lighting design, exhibition design, or conservation studies. ( )

**03. QuickFund\$ - Evaluation Criteria.** QuickFund\$ grant applications from organizations are evaluated on a point scale with a total of one hundred (100) points. Encompassed within the criteria below are the general criteria set forth in Subsection 400.03 of these rules. ( )

**a. Artistic Quality.** A maximum of fifty (50) points are awarded for artistic quality. The evaluation of artistic quality is based upon the programs produced by the applicant and the appropriateness of the applicant's projects to the applicant's mission. ( )

**b. Management.** A maximum of twenty-five (25) points are awarded for management. The evaluation of the applicant's management is based upon whether the applicant's resources and the plan for carrying out the subject of the application demonstrate that the applicant can accomplish the project or activity successfully. The evaluation also includes whether the applicant has submitted a clear, complete, and appropriate budget and whether applicants for training and advice awards have clearly identified the purpose and need for the award. ( )

**c. Community Involvement And Access.** A maximum of twenty-five (25) points are awarded for community involvement and access. The evaluation of community involvement and access is based upon the appropriateness and breadth of community involvement in the proposed project or activity and the public's access to the project or activity. ( )

**d. Preferences.** The Commission may give preference to applicants whose annual operating budget is less than fifty thousand dollars (\$50,000) and to applicants who have not previously received funds from a Commission program. ( )

**04. QuickFund\$ - Matching Contributions.** The applicant must provide matching contributions equaling the requested funds. ( )

**05. QuickFund\$ - Application Requirements.** Applicants for QuickFund\$ for organizations shall submit an application form; the resumes of key consultants, artists, or personnel; a list of the current board of directors of the organization with affiliation and contact information; an Internal Revenue Service tax determination letter, if applicable; and work samples reflecting prior projects or as applicable to the project or activity that is the subject of the application. Applicants should also submit no more than five (5) documents supporting the application such as brochures, letters from community partners, or work samples of participating artists. ( )

**06. QuickFund\$ - Application Deadlines.** QuickFund\$ applications must be postmarked or hand delivered to the Commission on or before the first Monday of March, June, September, or December. ( )

**402. CULTURAL FACILITIES GRANTS.** Cultural Facilities Grants encourage local, public, and private support for feasibility studies, renovation or construction of performance, exhibition or artist spaces, purchases of equipment

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and fixtures for such spaces, and public arts projects. Cultural Facilities Grants are awarded for single-phase projects that can be completed in one (1) year and multi-phase projects where all of the individual phases of the project can be completed over a period that does not exceed five (5) years. The award of funding by the Commission does not guarantee funding for more than one (1) phase of a multi-phase project. ( )

**01. Cultural Facilities Grants - Funding Limitations and Requirements.** ( )

**a.** Applicants who have received Cultural Facilities Grants for five (5) consecutive fiscal years are ineligible for Cultural Facilities Grants for one (1) fiscal year. ( )

**b.** College and university applicants are ineligible for Cultural Facilities Grants. ( )

**c.** The Commission will not award a Cultural Facilities Grant for the purchase or maintenance of motorized or non-motorized vehicles. ( )

**d.** Construction and renovation using a Cultural Facilities Grant must comply with all federal, state, and local laws including laws governing the access of persons with disabilities, facilities on the National Register of Historic Places, and building, zoning, and other codes. ( )

**e.** The Commission will not fund construction and renovation using a Cultural Facilities Grant unless the primary purpose of the construction or renovation is for the presentation of the arts to the public. ( )

**02. Cultural Facilities Grants - Feasibility Studies.** Applicants for renovation or construction of facilities must submit a feasibility study. The extent of the feasibility study must match the significance of the project. The feasibility study must contain an analysis of the vision and planning for the project. ( )

**03. Cultural Facilities Grants - Evaluation Criteria.** Cultural Facilities Grant applications from organizations are evaluated on a point scale with a total of one hundred (100) points. Encompassed within the criteria below are the general criteria set forth in Subsection 400.03 of these rules. ( )

**a.** Planning. A maximum of fifty (50) points are awarded for planning. The evaluation of planning is based upon evidence of community-wide involvement in and need for the project, attention given to maintaining the building's historic integrity, if applicable, the adequacy of the facility to house equipment or fixtures purchased with the funds, and the relevance of equipment or fixtures purchased with the funds to the applicant's mission or programming. ( )

**b.** Management. A maximum of fifty (50) points are awarded for management. The evaluation of management is based upon the community impact or support for the project, and whether the applicant's resources and the plan for carrying out the project demonstrates that the applicant can accomplish the project successfully. The evaluation also includes whether the applicant has submitted a clear, complete, and appropriate budget, whether a multi-phase project



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is on schedule, and the applicant's ability to address the long-term care and conservation of public art acquired during the project. ( )

**04. Cultural Facilities Grants - Matching Contributions.** The applicant must provide cash contributions equaling the requested funds. ( )

**05. Cultural Facilities Grants - Application Requirements.** ( )

**a.** Single-phase Projects. Applicants for single-phase Cultural Facilities Grants shall submit an application form; the resumes of key consultants, artists, or personnel; a list of the current board of directors of the organization with affiliation and contact information; an Internal Revenue Service tax determination letter, if applicable; three (3) current competitive bids for the project; a feasibility study, if applicable; a timeline for the project; blueprints and design drawings, if applicable; an historic significance report, if applicable; evidence of property or facility ownership or lease of the property or facility if the project involves construction or the installation of equipment or fixtures; and proof of adequate liability and fire insurance for the project. Applicants should also submit no more than five (5) documents supporting the application such as brochures, letters from community partners, or work samples of participating artists. Applicants are also encouraged to submit a list of in-kind contributions to the project. ( )

**b.** Multi-phase Projects. Applicants for multi-phase Cultural Facilities Grants shall submit the items required of applicants for single-phase Cultural Facilities Grants. The feasibility study shall have been completed in the prior three (3) years. In addition, applicants for multi-phase Cultural Facilities Grants shall submit a progress report based upon the original project plan containing an explanation of any delays or changes to the plan, and the original specifications for bids with a comparative summary sheet. Applicants for public art projects are not required to submit the original specifications for bids for the project. ( )

**06. Cultural Facilities Grants - Application Deadline.** Cultural Facilities Grant applications must be postmarked or hand delivered to the Commission on or before the last business day of January. ( )

### **403. GENERAL OPERATING SUPPORT GRANTS.**

General Operating Support Grants are designed to stabilize the financial base of Idaho's established arts organizations, assist the organization in long-range planning, and aid in expansion of current programs. General Operating Support Grants are awarded as single-year grants or multi-year grants. ( )

**01. General Operating Support Grants - Funding Limitations and Requirements.** ( )

**a.** The primary mission of the applicant must be the production, presentation, or support of the arts. ( )

**b.** College and university applicants are ineligible for General Operating Support Grants. ( )

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**c.** Applicants for a single year grant must have been operating as a tax-exempt organization for thirty-six (36) months prior to the application deadline. Applicants for a multi-year grant must have been operating as a tax-exempt organization for sixty (60) months prior to the application deadline. ( )

**d.** The responsibility for the applicant's operation must rest with a single individual. If the applicant is seeking a multi-year grant, a full-time paid staff person must hold the responsibility. ( )

**e.** The applicant must employ artists. Applicants for multi-year grants must employ artists on a regular basis and compensate artists according to the prevailing community standard for the artist's discipline. ( )

**f.** Applicants who have failed to reduce or have increased a budget deficit for three (3) consecutive years must demonstrate that the applicant has ended the applicant's most recent fiscal year with a balanced budget and that the applicant has made a significant effort to reduce the deficit during the applicant's current fiscal year. Applicants with a budget deficit must also provide a deficit-elimination schedule approved by the applicant's governing body and acceptable to the Commission. ( )

**02. General Operating Support Grants - Evaluation Criteria.** General Operating Support Grant applications are evaluated on a point scale with a total of one hundred (100) points. Encompassed within the criteria below are the general criteria set forth in Subsection 400.03 of these rules. Applicants of similar size and resources are reviewed based upon their gross annual operating budget, staff, longevity, location in a rural or urban county, and the criteria listed below. ( )

**a.** Artistic Quality. A maximum of fifty (50) points are awarded for artistic quality. The evaluation of artistic quality is based upon whether the applicant produces programs of high artistic quality that are appropriate for the organization's stated mission. ( )

**b.** Management. A maximum of twenty-five (25) points are awarded for management. The evaluation of management is based upon whether the applicant's resources and the plan for using the grant and marketing during the term of the grant demonstrates that the applicant can successfully operate during and after the grant period. The evaluation also includes whether the applicant has submitted a clear, complete, and appropriate budget and whether there is an effective means of evaluating the organization's progress following award of a grant. ( )

**c.** Community Involvement and Access. A maximum of twenty-five (25) points are awarded for community involvement and access. The evaluation of community involvement and access is based upon the applicant's knowledge of audience and community needs, the applicant's use of local cooperative planning, the extent to which community needs are met by the applicant's plan for use of grant funds, whether the applicant's plan for use of grant funds includes and benefits new, underserved, or nontraditional constituencies, and whether the applicant provides access to its programs to persons with disabilities. ( )

**03. General Operating Support Grants - Matching Contributions.** Applicants must provide matching contributions equal to the requested funds. ( )

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**04. General Operating Support Grants - Discipline Rotation.** Multi-year General Operating Support Grants are awarded to applicants based upon the discipline primarily supported by the applicant in a three (3) year rotation. Beginning with 2005, the rotation cycle is as follows: ( )

**a. Year one (1) - literature;** ( )

**b. Year two (2) - visual arts; and** ( )

**c. Year three (3) - performing arts.** ( )

**05. General Operating Support Grants - Application Requirements.** ( )

**a. Initial Application.** Applicants for General Operating Support Grants shall submit an application form; a copy of the applicant's financial statement for the most recent fiscal year of the applicant, with authorizing signatures; the resumes of key consultants and personnel; a list of the current board of directors of the organization with affiliation and contact information; a current two (2) to five (5) year long-range plan; an Internal Revenue Service tax determination letter; work samples reflecting prior and on-going projects; and a list of potential and confirmed programming events for the applicant's current programming season. Applicants should also submit no more than five (5) documents supporting the application such as brochures or letters from community partners. ( )

**b. Interim Applications.** Recipients of multi-year General Operating Support Grants shall submit an interim application form on or before the last business day in January of the first and second years of the grant. ( )

**06. General Operating Support Grants - Application Deadlines.** General Operating Support Grant applications must be postmarked or hand delivered to the Commission on or before the last business day of January. ( )

### **404. PROJECT SUPPORT GRANTS.**

Project Support Grants encourage a variety of quality arts activities in the state of Idaho by supporting specific arts associated projects. A project may be a single event or activity or a season of events or activities. ( )

**01. Project Support Grants - Funding Limitations and Requirements.** ( )

**a.** Applicants may collaborate with one (1) or more organizations on the event or activity. The applicant must control the use of funding from the Project Support Grant, sign the application, and accept all legal and contractual obligations of the program. The Commission will consider the applicant as submitting the application and receiving the program award for the purposes of the exclusions related to the number of applications and program awards in Subsection 202.04 of these rules. ( )

**b.** Current applicants for or recipients of a General Operating Support Grant are eligible for a Project Support Grant only if the project is not a part of the recipient's normal season

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and is not included in the budget submitted with the General Operating Support application. The Commission will evaluate the project proposals of current applicants for or recipients of a General Operating Support Grant as provided in the criteria for artistic quality set forth in Subsection 404.02(a) of this rule. ( )

**02. Project Support Grants - Evaluation Criteria.** Project Support Grant applications are evaluated on a point scale with a total of one hundred (100) points. Encompassed within the criteria below are the general criteria set forth in Subsection 400.03 of these rules. ( )

**a. Artistic Quality.** A maximum of fifty (50) points are awarded for artistic quality. The evaluation of artistic quality is based upon the artistic merit and rationale for the project, the relationship of the program to the organization's stated mission, and whether an applicant who is a recipient of or has applied for a General Operating Support Grant is proposing a project that is new, risk-taking, serves a non-traditional audience, or is a collaboration between two (2) or more arts organizations or other community development organizations. ( )

**b. Management.** A maximum of twenty-five (25) points are awarded for management. The evaluation of management is based upon whether the applicant's resources and the plan for using the grant and marketing during the term of the grant demonstrates that the applicant can successfully carry out the project. The evaluation also includes whether the applicant has submitted a clear, complete, and appropriate budget and whether there is an effective means of evaluating the project. ( )

**c. Community Involvement And Access.** A maximum of twenty-five (25) points are awarded for community involvement and access. The evaluation of community involvement and access is based upon the applicant's use of local cooperative planning, the extent to which community needs are met by the applicant's plan for use of grant funds, whether the applicant's plan for use of grant funds includes and benefits new, underserved, or nontraditional constituencies, and whether the applicant provides access to its programs to persons with disabilities. ( )

**d. Preferences.** The Commission may give preference to applicants who have not applied for a General Operating Support Grant. ( )

**03. Project Support Grants - Grant Amounts and Matching Contributions.** The Project Support Grant shall not exceed one-half (1/2) of the costs for the event or activity. Applicants must provide cash contributions equaling the requested funds. ( )

**04. Project Support Grants - Application Requirements.** Applicants for Project Support Grants shall submit an application form; the resumes of key consultants and personnel; a list of the current board of directors of the organization with affiliation and contact information; an Internal Revenue Service tax determination letter, if applicable; work samples reflecting prior and on-going projects; and a list of potential and confirmed programming events for the applicant's current programming season. Applicants should also submit no more than five (5) documents supporting the application such as brochures or letters from community partners. Applicants are encouraged to submit a list of in-kind contributions to the project. ( )

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**05. Project Support Grants - Application Deadline.** Project Support Grant applications must be postmarked or hand delivered to the Commission on or before the last business day of January. ( )

#### **405. TUMBLEWORDS.**

TumbleWords is a cooperative effort among twelve (12) western states to bring writers into communities where residents may be underexposed to creative writing because of geographical or economic circumstances. Under the TumbleWords program, writers of fiction, nonfiction, and poetry give readings and hold writing workshops. ( )

**01. TumbleWords - Eligibility and Funding Requirements.** Applicants for the TumbleWords program must satisfy the following: ( )

**a.** A unit of local, county, or tribal government, or an organization determined to be tax-exempt by the Internal Revenue Service must serve as the applicant by controlling the use of funding from the TumbleWords program, signing the application and accepting all legal and contractual obligations of the program. ( )

**b.** The application must demonstrate an interest within the community in increasing access to literature. Community interest shall include sufficient volunteers or staff to meet the requirements of the TumbleWords program in the community. ( )

**c.** The applicant must provide or secure a facility for readings, workshops, and other public activities that complies with all federal, state, and local laws and regulations. ( )

**02. TumbleWords - Funding and Community Match.** TumbleWords program awards are subject to funds availability including the availability of funding from the Western States Arts Federation. The applicant must provide matching contributions equaling requested funds. ( )

**03. TumbleWords - Application Requirements.** Applicants for the TumbleWords program shall submit an application form; the resumes of key writers or personnel; a list of the current board of directors of the organization with affiliation and contact information; and an Internal Revenue Service tax determination letter, if applicable. ( )

**04. TumbleWords - Application Deadlines.** The Commission accepts TumbleWords program applications during its regular business hours. ( )

**4046. -- 499. (RESERVED).**

#### **500. ~~VOTING RIGHTS~~ SUPPORT FOR ARTS EDUCATION.**

The Commission administers the programs supporting arts education set forth in Sections 501 through 504 of these rules. The following programs are available to individuals: Arts in Education Artist Roster, QuickFund\$ for professional development for educators, and QuickFund\$ Teacher Incentive Grants. The following programs are available to organizations: QuickProjects for education, ArtsPowered Learning Grants, and Creative Alternatives for Youth Grants. The Commission will not issue an award to organizations under a program for individuals or issue an award to an individual under a program for organizations. ( )

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~~01. **Chairman.** At every meeting, the chairman of the commission, or, in his absence, the vice chairman, may act as chairman. In the absence of the chairman and vice chairman, the chairman may appoint another person to act as Chairman Pro-Tem. (11-14-93)~~

~~02. **Majority.** A simple majority of the members of the Idaho Commission on the Arts shall constitute a quorum for the transaction of business and when a quorum is present, business may be transacted upon a simple majority vote of the members present at such meeting. In the absence of a quorum, any meeting may be adjourned by a vote of the majority of the members present thereat but no other business may be transacted. (11-14-93)~~

~~03. **Vote.** Each member of the commission shall be entitled to one vote on any matter of business before the commission and voting rights may not be exercised by proxy. (11-14-93)~~

#### **501. ARTS IN EDUCATION ARTIST ROSTER.**

The Arts in Education Artist Roster is an online listing of artists who share their unique art forms in schools and communities. The Arts in Education Artist Roster does not provide funding to recipients. Recipients may set fees, schedules, and activities in collaboration with schools. ( )

**01. Arts in Education Artist Roster - Evaluation Criteria.** Applicants for the Arts in Education Artist Roster are evaluated based upon the applicant's artistic skills, communication skills, and the applicant's proposals for arts in education. ( )

**02. Arts in Education Artist Roster - Application Requirements.** Applicants for the Arts in Education Artist Roster shall submit an application form, a resume, an artist statement, work samples appropriate to the applicant's discipline, three (3) letters of recommendation from persons familiar with the applicant's artistic ability and communication skills, and support materials such as letters of acceptance, brochures, articles, workshop information, and resumes of master artists under which the applicant has studied. ( )

**03. Arts in Education Artist Roster - Application Deadlines.** Arts Education Artist Roster applications must be postmarked or hand delivered to the Commission on or before the first business day of June. ( )

#### **502. QUICKFUND\$ FOR ARTS EDUCATION.**

QuickFund\$ grants support professional development or short-term projects that enliven or improve arts learning as an integral part of the education of Idaho's youth. QuickFund\$ grants are available for professional development for educators, teacher incentive grants, and QuickProjects for education. ( )

**01. QuickFund\$ - Professional Development for Educators.** QuickFund\$ for professional development for educators provides support to teachers, educators, and artists on the Arts in Education Artist Roster to attend conferences, seminars, workshops, or summer educational events that provide training in arts curricula, arts teaching, arts assessment, arts integration, or related topics. ( )

**02. QuickFund\$ - Teacher Incentive Grants.** Teacher incentive grants provide support to teachers for activities that enliven or improve arts learning in the classroom. ( )

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**03. QuickFund\$ - QuickProjects for Education.** QuickProjects for education provides support for short-term projects that enliven or improve arts learning as an integral part of the education of Idaho's youth. ( )

**04. QuickFund\$ - Evaluation Criteria.** ( )

**a.** Professional Development for Educators and Teacher Incentive Grants. QuickFund\$ applications for professional development for education and teacher incentive grants are available to individuals who are educators or an artist on the Arts in Education Artist Roster. Applications are evaluated on a point scale with a total of one hundred (100) points. ( )

**i.** Artistic and Individual Quality. A maximum of fifty (50) points are awarded for artistic and individual quality. Artistic and individual quality is evaluated based upon whether the applicant's past work history demonstrates experience working with arts or education projects of high quality, the artistic or educational merit and the rationale of the proposed project or experience, and the relation or application of the proposed activity or event to the vision or the mission of the school or organization where the applicant teaches Idaho youth. ( )

**ii.** Feasibility. A maximum of twenty-five (25) points are awarded for feasibility. The evaluation of feasibility is based upon whether the applicant's ability and plan demonstrates the applicant can realistically accomplish the activity or event and whether the budget is clear and correlates with the applicant's description of the activity or event. ( )

**iii.** Professional and Artistic Growth. A maximum of twenty-five (25) points are awarded for professional and artistic growth. The evaluation of artistic growth is based upon whether the opportunity has the potential to significantly affect or enhance the applicant's artistic development, professional skills, or teaching skills. The evaluation also considers whether the applicant demonstrates that the activity or event will improve student learning in the arts. ( )

**b.** QuickProjects for Education. QuickFund\$ applications for QuickProjects for education are available to organizations and are evaluated on a point scale with a total of one hundred (100) points. ( )

**i.** Artistic Quality. A maximum of fifty (50) points are awarded for artistic quality. Artistic quality is evaluated based upon the artistic and educational merit and rationale of the project, the relation of the project to the vision or mission of the school or organization where it will be implemented, and whether the artists, consultants, personnel, and presenters carrying out the project are qualified to carry out the project's activities and appropriate for the Idaho youth attending the project. ( )

**ii.** Management. A maximum of twenty-five (25) points are awarded for management. The evaluation of management is based upon whether the roles and responsibilities of key personnel, community, and school partners, artists, and outside consultants are identified and clearly defined and whether the budget is clear and correlates with the applicant's description of the activity or event. ( )

**iii.** Community Involvement and Access. A maximum of twenty-five (25) points are

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awarded for community involvement and access. The evaluation of community involvement and access is based upon whether the plan for the project reflects the community's demographics, including students, teachers, parents, administrators, and other community members. The evaluation is also based upon the applicant's plans to inform and involve the community, including publicity efforts. ( )

**c.** Preferences. The Commission may give preference to applicants who have not previously received funds through a Commission program. ( )

**05. QuickFund\$ - Matching Contributions.** Applicants for a professional development for educators QuickFund\$ grant must provide matching contributions equaling the requested funds. Applicants for a teacher incentive QuickFund\$ grant must provide matching contributions equaling one third (1/3) of the requested funds. Applicants for a QuickProjects for education grant must provide matching contributions equaling the requested funds. College and university applicants shall not use in-kind contributions as matching funds. ( )

**06. QuickFund\$ - Application Requirements.** ( )

**a.** Professional Development for Educators and Teacher Incentive Grants. Applicants for professional development for educators or a teacher incentive QuickFund\$ grant shall submit an application form, a resume, work samples appropriate to the applicant, and supporting materials such as letters of acceptance, brochures, articles, or workshop information. ( )

**b.** QuickProjects for Education. Applicants for a QuickProjects for education grant shall submit an application form; resumes of key consultants, artists, or personnel; work samples reflecting prior projects or activities as applicable to the project or activity that is the subject of the application; and, no more than five (5) documents supporting the application such as brochures, letters from community partners, or work samples of participating artists. Applicants eligible to use in-kind contributions must also submit a list of in-kind contributions used as matching contributions. All applicants are encouraged to submit a list of in-kind contributions to the project. ( )

**07. QuickFund\$ - Application Deadlines.** QuickFund\$ applications for arts education must be postmarked or hand delivered to the Commission on or before the first Monday of March, June, September, or December. ( )

**503. ARTSPOWERED LEARNING GRANTS.**

ArtsPowered Learning Grants support teaching and learning opportunities for youth through grade twelve (12) by supporting artist in residence projects exceeding ten (10) days in length, school touring of performances or arts exhibitions, the development and implementation of programs and activities to improve teacher practice and student learning in and through the arts, and professional consultancies to assist in the alignment between educational goals of schools and the needs of educators with community-based arts resources. ( )

**01. ArtsPowered Learning - Evaluation Criteria.** ArtsPowered Learning grant applications are evaluated on a point scale with a total of one hundred (100) points. ( )

**a.** Artistic and Educational Quality. A maximum of thirty (30) points are awarded for



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artistic and educational quality. The evaluation of artistic and educational quality is based upon whether the program or activity is aligned with the Interdisciplinary Humanities achievement standards of the Idaho State Board of Education and reflect the needs of the students; whether the goals and objectives of the program or activity identify specific concepts, processes, and skills that students will master as a result of their participation; whether the artists, consultants, personnel, and presenters are highly qualified to carry out the activities or program and are appropriate for the students; whether the program addresses the applicant's long-term educational goals; and whether the supporting materials, such as handouts, study guides, and compact disks, are of high quality, support the goals of the program or activity, and are appropriate for the students. ( )

**b.** Planning, Implementation, and Evaluation. A maximum of thirty (30) points are awarded for planning, implementation, and evaluation. The evaluation of planning, implementation, and evaluation is based upon whether the outcomes of the program or activity are clearly defined and based upon the needs of the students; whether the activity or program is appropriate to achieve the desired outcomes; whether the students are involved in the planning, implementation, and evaluation of the activity or program; whether the evaluation methods are aligned with the curricula; whether the evaluation methods measure short-term and long-term results of the program or activity; whether the evaluation findings are incorporated into ongoing planning for the applicant; whether the applicant has used past evaluations to refine its programs or activities; whether the applicant supports the evaluation with adequate documentation; and whether the applicant disseminates the evaluation results to appropriate parties. ( )

**c.** Management. A maximum of twenty (20) points are awarded for management. The evaluation of management is based upon whether the applicant has submitted a clear, complete, and appropriate budget; whether there is a broad base of support for the application from public and private sources; and whether the roles and responsibilities of key personnel, community, and school partners artists, and outside consultants are identified and clearly defined. ( )

**d.** Access and Community Involvement. A maximum of twenty (20) points are awarded for access and community involvement. The evaluation of access and community involvement is based upon whether the applicant has shown that it engaged in planning that included a broad based committee reflective of community demographics including students, teachers, parents, administrators, and community members; whether the program or activity includes plans for publicity efforts to inform and involve the community; and whether the applicant has shown efforts to identify and include underserved populations in the program or activity. ( )

**02.** ArtsPowered Learning - Matching Contributions. Applicants must provide matching contributions equaling one-half (1/2) of the requested funds. In-kind contributions shall not exceed one-half (1/2) of the required matching contributions. ( )

**03.** ArtsPowered Learning - Application Requirements. Applicants for ArtsPowered Learning grants shall submit an application; a list of the project or activity's key personnel; a list of planning or advisory committee members that includes the individual's role, professional expertise, and affiliation; resumes of key consultants, artists, or personnel; three (3) to six (6) letters of support from executive directors of organizations, school principals, planning

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or advisory committee members, or other appropriate supports that demonstrate an understanding of and commitment to the project or activity; up to five (5) pieces of audio, visual, or published materials from the applicant or key partners, curriculum guides, or examples of past student work that will help the Commission understand the artistic and professional quality of the program or activity; and work samples appropriate to artists participating in the program or activity that are not on the Arts in Education Artist Roster. If the applicant will use in-kind contributions, the applicant must also submit a list of in-kind contributions to the project. ( )

**04. ArtsPowered Learning - Application Deadlines.** ArtsPowered Learning applications must be postmarked or hand delivered to the Commission on or before the first Friday in March. ( )

#### **504. CREATIVE ALTERNATIVES FOR YOUTH.**

The Creative Alternatives for Youth program supports out-of-school opportunities for young people at risk of not making a successful transition from adolescence to young adulthood. The Creative Alternatives for Youth program encourages meaningful collaborations between arts organizations and other community organizations, especially social service agencies that nurture the development and expression of the creative spirit of youth. ( )

**01. Creative Alternatives for Youth - Evaluation Criteria.** Creative Alternatives for Youth grant applications are evaluated on a point scale with a total of one hundred (100) points. ( )

**a.** Artistic and Educational Quality. A maximum of thirty (30) points are awarded for artistic and educational quality. The evaluation of artistic and educational quality is based upon whether the program or activity reflects the needs of the students; whether the goals and objectives of the program or activity identify specific concepts, processes, and skills that students will master as a result of their participation; whether the planned activities or program will support the students' intellectual and creative processes, experimentation, and growth; whether the artists, consultants, personnel, and presenters are highly qualified to carry out the activities or program and are appropriate for the students; whether the program addresses the applicant's long-term educational goals; and whether the supporting materials, such as handouts, study guides, and compact disks are of high quality, support the goals of the program or activity, and are appropriate for the students. ( )

**b.** Planning, Implementation, and Evaluation. A maximum of thirty (30) points are awarded for planning, implementation, and evaluation. The evaluation of planning, implementation, and evaluation is based upon whether the applicant has demonstrated a collaborative planning process that includes all partners in the project in the design, implementation, and commitment of resources; whether the outcomes of the program or activity are clearly defined and based upon the needs of the students; whether the activity or program is appropriate to achieve the desired outcomes; whether the students are involved in the planning, implementation, and evaluation of the activity or program; whether the evaluation findings are incorporated into ongoing planning for the applicant; whether the applicant has used past evaluations to refine its programs or activities; whether the applicant supports the evaluation with adequate documentation; and whether the applicant disseminates the evaluation results to appropriate parties. ( )

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c. Management. A maximum of twenty (20) points are awarded for management. The evaluation of management is based upon whether the applicant has submitted a clear, complete, and appropriate budget; whether there is a broad base of support for the application from public and private sources; whether the project or activity is supported by adequate resources such as funding, materials, equipment, and facilities; and whether the roles and responsibilities of key personnel, community and school partners, artists, and outside consultants are identified and clearly defined. ( )

d. Access and Community Involvement. A maximum of twenty (20) points are awarded for access and community involvement. The evaluation of access and community involvement is based upon whether the applicant has shown that it engaged in planning that included a broad based committee reflective of community demographics including students, teachers, parents, administrators, and community members; whether the program or activity includes plans for publicity efforts to inform and involve the community; and whether the applicant has shown efforts to identify and include underserved populations in the program or activity. ( )

02. Creative Alternatives for Youth - Matching Contributions. Applicants must provide matching contributions equaling one-half (1/2) of the requested funds. In-kind contributions shall not exceed one-half (1/2) of the required matching contributions. ( )

03. Creative Alternatives for Youth - Application Requirements. Applicants for ArtsPowered Learning grants shall submit an application; a list of the project or activity's key personnel and planning or advisory committee members that includes the individual's role, professional expertise, and affiliation; resumes of key consultants, artists, or personnel; three (3) to six (6) letters of support from executive directors of organizations, school principals, planning or advisory committee members, or other appropriate supports that demonstrate an understanding of and commitment to the project or activity; up to five (5) pieces of audio, visual, or published materials from the applicant or key partners; curriculum guides or examples of past student work that will help the Commission understand the artistic and professional quality of the program or activity; and work samples appropriate to artists participating in the program or activity that are not on the Arts in Education Artist Roster. If the applicant will use in-kind contributions, the applicant must also submit a list of in-kind contributions to the project. ( )

04. Creative Alternatives for Youth - Application Deadlines. Creative Alternatives for Youth applications must be postmarked or hand delivered to the Commission on or before the first Friday in March. ( )

501. -- 5999. (RESERVED).

### ~~600. COMMITTEES.~~

~~01. Executive Committee.~~ There shall be an executive committee of the Idaho Commission on the Arts and such other standing committees as the chairman may, from time to time, determine. (11-14-93)

~~02. Executive Committee Members.~~ The executive committee shall be appointed annually at the first regular meeting of the commission following the end of the year, or at the

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~~pleasure of the chairman, and shall consist of the chairman of the commission, the vice chairman of the commission and three members, in addition to the chairman and vice chairman. (11-14-93)~~

~~**03. Powers.** The executive committee shall, during the interval between meetings of the commission, possess and exercise all of the powers of the commission except as to such matters as the commission has by resolution expressly reserved to itself. (11-14-93)~~

~~**04. Records.** The executive committee shall keep full and accurate records and accounts of its proceedings and transactions. All action by the executive committee shall be reported to the commission at its meeting next succeeding such action and shall be subject to revision and alteration by the commission. (11-14-93)~~

~~**05. Chairman.** The chairman of the commission shall be the chairman of the executive committee. (11-14-93)~~

~~**06. Meetings Held.** Meetings of the executive committee shall be held on the call of any member of the committee, but the committee shall be deemed to be in continuous session between called meetings, and may act upon the vote of its members taken by telephone, telegraph or otherwise, and duly recorded. (11-14-93)~~

~~**07. Vacancies.** A vacancy occurring in the executive committee shall be filled by the chairman at its next meeting. (11-14-93)~~

~~**08. Rules.** Committees may make such rules as from time to time they may deem proper for their own government and for the transaction of business for the commission and shall mail a written report of significant actions to the commission members as soon after they are taken as conveniently may be. (11-14-93)~~

~~**09. Standing Committee.** Any vacancy in a standing committee shall be filled by the chairman. (11-14-93)~~

~~**10. Quorum.** Three (3) shall constitute a quorum and the committee may act upon the majority vote of its members. (11-14-93)~~

~~**11. Ex-Officio Members.** The chairman of the commission and the executive director serve as ex-officio members of all committees. (11-14-93)~~

~~**601.—699. (RESERVED).**~~

### ~~**700. REPORTS.**~~

~~The Idaho Commission on the Arts shall report biannually to the Governor and the Legislature of the state of Idaho on the state of the arts. It may also publish other reports or studies on matters affecting the state of the arts in the growth and development of the state of Idaho. All such reports shall be provided to the Governor, and upon request, to the general public. (11-14-93)~~

~~**701.—899. (RESERVED).**~~

## Senate State Affairs Committee

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**IDAHO COMMISSION ON THE ARTS**  
**Rules of the Idaho Commission on the Arts**

**Docket No. 40-0101-0401**  
**PENDING RULE**

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**~~900. CONSIDERATION OF PROJECT APPLICATIONS.~~**

~~The Commission cannot consider applications from any school, organization, or individual without a properly signed and completed application form, provided by the Commission, filed with the Commission by the published postmark deadline.~~ (11-14-93)

**~~901.—999. (RESERVED).~~**